

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

February 16, 2016

Work Session 4:00 p.m. Policy Session 7:00 p.m.

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Mayor Chris Pengra, Councilmembers Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; David Mortensen, City Treasurer; Aaron Sanborn, Management Analyst; Jessica Alvarez, Human Resources Director; Steve Mumford, Planning Director; Tayler Jensen, City Planner; Jeff Thompson, Code Enforcement Officer; Chris Trusty, City Engineer; Jeff Weber, Facilities and Operations Director; Zac Hilton, Streets/Storm Water Manager; Mack Straw, Public Utilities Manager; Brad Hickman, Parks and Recreation Director; Linda Peterson, Public Information Director; Aaron Sanborn, Management Analyst; Ross Fowlks, Fire Chief; Eric McDowell, Sheriff's Deputy.

Mayor Pengra called the meeting to order at 4:09 p.m.

1. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information only and do not require action by the City Council.

None.

2. AGENDA REVIEW – The City Council will review items on the Consent Agenda and Policy Session Agenda.

Agenda items were reviewed out of order.

18. Consolidated Fee Schedule

Solid Waste Recycling

Richard Hamik, representing Ace Disposal, explained Ace used to be paid for the recycling they delivered to Rocky Mountain Recycling (RMR). For the last year and a half, they haven't been paid for the recycling, nor have they been charged for the service. However, the recycling center plans to begin charging Ace for the service.

Paul Jerome, Assistant City Administrator/Finance Director, said the City's agreement with Ace allows an annual rate increase tied to the Consumer Price Index. The City has never raised the price it charges residents using the recycling program. The proposed rate increase is \$1.00 per recycling can, per month.

Councilmember Westmoreland asked if residents will have an opportunity to opt out of the program before the rate increase. Mayor Pengra said City staff is studying whether the program is economically viable and how much environmental impact it has. Mr. Hamik said the additional cost is minimal, considering that the market will rebound.

Councilmember Bradley asked how the program works. Larry Givens, representing RMR, said Ace trucks the recycling to RMR's transfer station in Pleasant Grove. RMR trucks it to a recycling facility in Salt Lake City, where nine commodities are sorted out of it. RMR sells newspaper locally to be shredded into insulation. Cardboard goes out of state and is typically made into new cardboard. Aluminum goes all over the world. Plastics are ground and turned into about 20 different products. The market for recyclables is such that buyers are purchasing less and, in some cases, new materials are cheaper than recycled ones. About 20% of the items placed in recycling bins are non-recyclable materials. Separating those from the recyclables is expensive. In addition, the market for recyclables has lessened considerably. RMR constantly runs programs to educate consumers about what can and can't be recycled and provides educational materials for service projects to improve the quality of materials placed in recycling bins.

Councilmember Bradley stated an increased fee rarely goes away, even if the need for the increase does. Mr. Givens said he'd be happy to return in six months and tell the Council what condition the recyclables market is in.

Mayor Pengra thanked Mr. Hamik and Mr. Givens for their information. City staff will be analyzing the program to make sure the economic and environmental benefits of the program justify its continuance.

Mr. Hamik said when the recycling program started, the fees were designed on a sliding scale, based on the percentage of households participating. Ace has decided it won't raise fees even if the participation rate decreases. The contract runs through mid-2017.

Library

Michele Graves, City Librarian, said the Library used grant funds to purchase Kindle Fire e-readers and LaunchPad tablets that patrons may check out from the Library. The proposed fees cover any damage to the equipment. They will be clearly set out in the user agreement patrons will have to sign before checking out the equipment.

Code Enforcement

Fines were proposed for illegal parking, illegal dumping, construction debris, blocking streets or sidewalks and sign violations. It has been difficult to enforce City ordinances because no fines have been in place. First violations would result in a warning. Only second and successive violations would lead to fines. The fines are designed as incentives to change behavior.

9. February 2, 2016 Minutes

Councilmember Curtis corrected his Council liaison report to say "Pony Express Special Events Committee" instead of "Special Events Department." Councilmember Gricius sent some corrections last week which have been made by the Recorder's Office.

11. Rezone of Property from Agriculture to Residential

This item was recently denied. It is being brought back to Council with amendments, including allowing a portion of the land to remain in Agriculture zoning. In order for a rezone to be approved, the plan must comply with the Future Land Use and Transportation Plan, it must be compatible with surrounding properties and there must be adequate buffering between incompatible uses. Nothing may be built under the powerline corridor. Lake Mountain Road

would have to be paved through the project and up to the nearest paved section. It may not be used as a collector road.

Councilmember Gricius asked about the powerline along the east side of the road. Mr. Mumford said that is also unbuildable land.

Karen and Jeff Scott, the property owners, explained the current design of the project. They pointed out a six-acre parcel that will remain in Agriculture zoning to accommodate the concerns of current residents that one-acre lots not be adjacent to their five-acre lots.

Councilmember Bradley stated if the rezone is approved, it wouldn't include this layout, so there's no way to legally bind it. He wanted a preliminary plat. Mr. and Mrs. Scott said the layout was added to answer questions they've been asked. Preliminary plats aren't usually provided in a rezone application.

15. Utah Valley University Agreement

Economic Development Director Ikani Taumoepeau introduced Ruth Gowans from Utah Valley University (UVU). The agreement being proposed places classes in a portion of the City Business Incubator Program space. City Administration has worked for several years to bring university classes to Eagle Mountain. When City staff talks to potential employers to locate in Eagle Mountain, the employers often ask if there are university classes nearby.

Councilmember Westmoreland asked if UVU holds classes in other cities. Ms. Gowans stated UVU has held evening classes at Westlake High School since it opened in 2009. It also holds classes in Santaquin and Spanish Fork.

Councilmember Gricius asked if the Westlake classes would be moved to the Eagle Mountain location. Ms. Gowans said the Eagle Mountain classes would be in addition to the Westlake classes.

Councilmember Bradley asked if the City will purchase more space in the building to accommodate the classes. Mr. Taumoepeau responded that the space was occupied by a business which has graduated from the Business Incubator Program. UVU intends to occupy that vacated space.

Councilmember Reaves asked how UVU selects what classes are offered. Ms. Gowans said they offer general education classes and classes requested by students who live in the local area. They also offer additional sections of classes that are full on campus.

13. Chapter 17, Rezones and Setbacks, Eagle Mountain Municipal Code

Planning Director Steve Mumford stated that this amendment resulted from requests by City Council members to prevent rezone applications from being presented repeatedly to the Council with only minor changes. The Planning Department proposed a one-year waiting period between applications for the same project. If major changes are made to an application, the waiting period would not apply. The Planning Commission recommended removing Section 17.90.070, Conditions of Approval, because they felt it might take away from what a zoning code should regulate, such as minimum lot sizes.

Chapter 17.10, Definitions, was amended for clarification. Other changes were made to make the Code easier to read.

Councilmember Westmoreland asked if an outside cooking area would be covered by the definition of “kitchen.” Mr. Mumford responded it should be covered if it was a set of fixed cooking facilities, such as a built-in grill. Other than that, the definitions differentiate between a second kitchen and an accessory apartment. The Planning Department wants to make sure that accessory apartments are only rented out if they meet City standards.

17. Wride Park Field Lighting

Parks and Recreation Director Brad Hickman stated all the bids received were from companies offering Musco Lighting, which is a higher-end product.

Councilmember Westmoreland asked if the matching grant paying for this project was for lighting only. Mr. Hickman said the grant includes lighting and some asphalt. Mr. Taumoepeau said the lighting will use all of the grant funds. The City’s matching funds will cover some of the lighting, as well as paved corridors between the fields and paving for a parking lot.

Councilmember Gricius asked what fund the match will come from. Mr. Pili said it will come from the Parks Impact Fee Fund.

Councilmember Curtis asked if the lights, being 60 – 70 feet high, will violate the City’s lighting ordinance. Mayor Pengra said there are specific allowances for sports field lighting.

Councilmember Reaves asked how many cars the parking lot would hold. Mr. Taumoepeau responded it was still in the designed stage and he didn’t know the exact number of parking spaces.

Mr. Hickman stated City staff is working on an alternative design, as well, which would open onto Mid Valley Road as part of Phase 7.

Councilmember Curtis asked if the staff’s intent is to bring this plan back to the Council in its entirety. He preferred not to approve it piecemeal. Mr. Hickman said that was the plan.

Mayor Pengra said the plan has been affected by public comment, but is still bound by an agreement with SITLA. Ivory Homes will have an effect on the design, as well, as it begins to build near the park.

Mr. Pili pointed out the reason for bringing this phase of the park plan forward now is that it is tied to the matching grant.

City Engineer Chris Trusty said he checked his notes and found the parking lot will be approximately 45,000 square feet, which will hold about 85 parking stalls.

Councilmember Reaves commended Mr. Taumoepeau for his work on this project over the past several years. Mr. Taumoepeau said this was a team effort with Mr. Hickman and Mr. Trusty.

12. Parks Impact Fee Enactment

Mr. Trusty stated the City is required to generate an Impact Fee Facilities Plan that establishes an existing level of service. This document is the basis for an Impact Fee Analysis, which determines what impact fees can be charged and, therefore, what future facilities can be built.

Cami Hamilton of Lewis Young Robertson and Burningham, the City's financial advisors, explained the Impact Fee Analysis. An impact fee is imposed on new construction to pay for the impact of new residents on the City's infrastructure. Impact fees can either pay for new construction or pay towards the expansion of existing infrastructure. They can only be used for infrastructure with a life expectancy of ten years or more. Impact fee requirements are regulated by the Utah State Impact Fee Act.

In the case of park impact fees, the Impact Fee Act requires an accounting of future facility demand based on future population; the level of service being provided to existing residents through the City budget, excluding grants and donations; and whether existing facilities have any excess capacity to meet future demands. The Impact Fee Analysis also considers what revenue sources the City will use to meet demands.

Eagle Mountain is required to publish a notice of its intent to update the impact fees and then of its intent to hold a public hearing. A public hearing must be held to receive public comment on the impact fee enactment. If the enactment is approved by the City Council, there is a 90-day waiting period before the fees can be applied.

Councilmember Reaves asked why there is a wide difference between the first and second impact fee alternatives. Ms. Hamilton said the inventory of park land only includes community and regional parks, or about 238 acres, which have all been donated by developers. Because the developers received density credits in return, the land can't be included in the impact fee calculation. If the park land could be included in impact fee calculations, it would be valued at \$33M for the land and \$7.4M for improvements.

This analysis includes two scenarios; one scenario excludes land value in the impact fee calculation, while the other scenario includes the land value. If the first scenario is adopted, impact fees could increase from \$382 for a single family home to \$1,158. If the second scenario is adopted, fees could increase from \$382 to \$6,333. The second alternative is a valid consideration, but may not be realistic. These are the maximum fees the City can charge.

Councilmember Reaves asked if Eagle Mountain has more land available than other cities and whether that affects the impact fee calculations. Ms. Hamilton said it depends on whether the City plans to purchase additional land. Mr. Trusty pointed out the IFFP is updated almost annually, which could slow the increase in impact fees.

Councilmember Gricius asked if it's true that impact fees need to be spent within six years after they are collected. Ms. Hamilton said that is the case.

Councilmember Curtis asked how much of the impact fee increase is related to Cory Wride Memorial Park. Mayor Pengra said none of it is related to the park. Ms. Hamilton stated the fees are related to Smith Ranch Park, the Nolen Park pavilion, Pioneer Park and North Ranch Park.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council will adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

No Closed Executive Session was held.

Mayor Pengra adjourned the meeting at 6:07 p.m.

7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Mayor Chris Pengra, Councilmembers Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; David Mortensen, City Treasurer; Aaron Sanborn, Management Analyst; Steve Mumford, Planning Director; Tayler Jensen, City Planner; Chris Trusty, City Engineer; Jeff Weber, Facilities and Operations Director; Zac Hilton, Streets/Storm Water Manager; Mack Straw, Public Utilities Manager; Brad Hickman, Parks and Recreation Director; Linda Peterson, Public Information Director; Aaron Sanborn, Management Analyst; Ross Fowlks, Fire Chief; Eric McDowell, Sheriff's Deputy.

4. CALL TO ORDER

Mayor Pengra called the meeting to order at 7:07 p.m.

5. PLEDGE OF ALLEGIANCE

Stephanie Gricius led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Sports Registration** – Registration is open for Youth Baseball, Youth Spring Soccer, Women's Volleyball, and British Soccer Camp. Please visit the City website and click on the Recreation button, then Sports Programs.
- **Emergency Alerts and City Notifications** – The City is using a new notification system for alerts in the event of an emergency and also for City news, events, sports, public meetings, jobs, and other items of interest. Go to www.emcity.org/notifyme to register and select your preferred method of contact. Phone, text, and email options are available. You may also register for notifications from other participating cities in the County if you work in one of those cities or have relatives or other interest in what is happening there. This system allows the Utah Valley Dispatch Center to have access to our database of contacts in the event of a large-scale emergency or if cell/internet access is down in our area.
- **Traffic Alert** – Traffic will be delayed today and tomorrow on Eagle Mountain Blvd. due to construction activity. Please use an alternate route if possible.
- **Flags at Half-Staff** – Gov. Herbert has authorized the lowering of the flag of the United States of America and the flag of the state of Utah as a mark of respect for U.S. Supreme Court Justice Antonin Scalia until his interment. An interment date has not been announced.
- **Library Events** – The Library has many fun, free programs and community events. Please check the Calendar on the City website for details.
- **Family Emotional Wellness Night** – On February 17, a free event sponsored by Communities That Care will be held at Westlake High School from 6:00 p.m. to 9:00 p.m. Four different parenting workshops will be offered. Child care will be provided by the Westlake Student Council. For more information, see the City website Calendar.

7. PUBLIC COMMENTS – Time has been set aside for the public to express their ideas, concerns and comments.

Drew Curley read a statement from twelve citizens opposing the proposed rezone called Eagle Mountain Benches. They opposed it because of the infrastructure costs and “leapfrog” development, and didn’t believe it should have been brought back before Council when it was considered only a few months ago. They support item 13 on this agenda that would create a waiting period before a projects could be presented to the Council after they have been denied.

8. CITY COUNCIL/MAYOR’S ITEMS – Time has been set aside for the City Council and Mayor to make comments.

Councilmember Curtis

Councilmember Curtis thanked everyone for attending the meeting, particularly the Boy Scouts. He invited them to be part of the Youth City Council.

Councilmember Bradley

Councilmember Bradley was glad there are Boy Scout merit badges that encourage boys to learn about their government. He also welcomed firefighters from the Unified Fire Authority.

Councilmember Reaves

Councilmember Reaves thanked everyone for attending. He said public involvement is the basis of the Constitution. He thanked those who have emailed him about the rezoning item. He appreciated the Scouts attending and encouraged them to join the Youth City Council. The meetings count towards the citizenship merit badge.

Councilmember Westmoreland

Councilmember Westmoreland welcomed everyone. He asked the Scouts to pay attention, since one of them could be on the Council in the future.

Councilmember Gricius

Councilmember Gricius welcomed everyone.

Mayor Pengra

Mayor Pengra thanked everyone for being at the meeting.

CONSENT AGENDA

9. MINUTES

A. February 2, 2016 – Regular City Council Meeting

10. BOND RELEASE – Out of Warranty

A. Valley View, Plat A, Phase 5

MOTION: *Councilmember Westmoreland moved to approve the Consent Agenda, with the minutes as amended during the Work Session. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

The amendments to the minutes are as follows:

Councilmember Gricius corrected a statement she made on page 7 to say “Councilmember Gricius felt the sign being completely in the right-of-way would put it too close to the clear vision triangle” is stead of “Councilmember Gricius felt the sign being in the right-of-way would put it too close to the clear vision triangle.” A second correction was made on page 9 to the vote for the 2010 Water Agreement, correcting a “yes” and “no” vote by Councilmember Gricius to a “no” vote only.

Councilmember Curtis corrected his Council liaison report to say “Pony Express Special Events Committee” instead of “Special Events Department.”

SCHEDULED ITEMS

PUBLIC HEARING

11. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Rezoning Approximately 101 Acres from Agriculture to Residential.

This item was presented by Planning Director Steve Mumford. This is an applicant-proposed rezone of approximately 101 acres from Agriculture to Residential. The project is located along Lake Mountain Road. It is comprised of lots one acre or larger and is known as the Eagle Mountain Benches. This project has been before the Planning Commission and the City Council several times since June, 2015.

The property is near Rural Residential, Mixed-Use Residential and Agriculture zoning. While rezone applicants can submit concept plans, they aren’t binding. Only the rezone is binding.

Approvals are based on compliance with the Future Land Use and Transportation Plan, compatibility with surrounding land uses and buffering of any incompatible uses. The regional trail planned within the powerline corridor that goes through the property needs to be retained. Land under the powerline corridor is considered unbuildable. Kern River Gas Transmission Company and Rocky Mountain Power restrict the uses of land under the corridor. Lake Mountain Road is considered a Rural Residential road and will need to be paved from Pony Express Parkway to the nearest paved section.

Mayor Pengra opened the public hearing at 7:24 p.m.

Marianne Smith felt the requested zoning may set a precedent protecting Lake Mountain Road from developers who want to build smaller lots. She felt the trees that would be planted on one-acre lots would attract birds and other wildlife and the lot size would encourage cottage industries. There are many City residents who would like larger lots so they can stay in Eagle Mountain.

Carl Wetzel bought five acres twenty years ago, but has been unable to use his land because he has no access to it. He supported the rezone application. One acre is more manageable than five acres and provides better fire protection. He said the City or County plowed a fire break through his land without permission or even contacting him. He felt the rezone would provide better access and tax revenue. He said a few people shouldn’t have control over the whole area.

Mayor Pengra asked him about the fire break. Mr. Wetzel said his corner post was knocked down. He didn't have a complaint about protecting the homes, but the way it was done showed no respect.

Ilene Wetzel supported the rezone and one-acre lots. She felt it is a win-win situation. It's just a matter of time before development comes in. The Scotts want to build energy-efficient homes. She asked if the existing homeowners have buffers that comply with City regulations.

Steven Scott spoke in behalf of Doug Sutton, who was unable to attend the meeting. Lake Mountain Road was annexed to the City twenty years ago. It should have been kept agricultural at that time. The two times this project was brought before the City Council, it was rejected. To accommodate the objections, the commercial property was removed and fire hydrants have been added. Lot sizes have been adjusted and driveways no longer open onto Lake Mountain Road. Mr. Sutton believed the applicants have invested a lot into complying with the requested changes. The project doesn't infringe on the rights of any property owner.

Evan Sigler has lived in City Center for seven years. His family has outgrown their home and would like to buy a one-acre lot in the proposed development. If this project isn't approved, his family may have to move to another city.

Mike Kieffer, a resident of Lake Mountain Road, compared buying his lot to buying an "as-is" car. He reminded the Council they're only voting on the rezone. No other promise is binding. He opposed the rezone.

Jody Hooley, a resident of Lake Mountain Road, disagreed with Mr. Sutton's comment that Lake Mountain Road should have been protected twenty years ago. When the road was annexed into the City, property owners didn't have a choice. She said there would be no guarantee the five-acre lots that have no access would be guaranteed access. She noted, in response to those who say they'll have to move out if the project isn't developed, there are other one-acre developments in the City.

Greg Jepson opposed the rezone. He and his wife bought 5+ acres of land to have room to farm or whatever they desired. The advantage of a five-acre parcel is a greenbelt reduction in taxes. Those who bought lots along the road knew what they were buying. One-acre lots will change the feel of the neighborhood and increase traffic and pollution.

Kim O'Donnell said he and his wife operate the Friends-In-Need animal shelter on Lake Mountain Road. He stated the proposed project would tear up the mountain. He felt the applicants didn't consider the existing residents.

Melinda Martin, a resident of Lake Mountain Road, said if the rezone is allowed, she'll have to move because of her daughter's asthma. The buyers will have to heat with propane and fireplaces, which will put more smoke in the air. Traffic pollution will increase, as well.

Karen Scott, one of the applicants, said the gas company told them they'll be able to install a natural gas line large enough for everyone on Lake Mountain Road. Cedar Corners development will be located .3 miles from the proposed rezone. The developers of that project have also talked to the gas company. Cedar Corners will build 600+ homes. Another development will be located .4 miles from their development. Eagle Point is also near their project. The Smiths' project is nearby and SITLA is in the process of selling their land to developers, as well. The Scotts' project will preserve their land from small-lot development. She's grateful for the new City Council

members who are listening to the facts. She also said her property plan includes an equestrian trail. An Agriculture lot between their property and the existing properties has been created.

Drew Curley said a master development agreement was approved in 2013 developing the North Ranch area and was similar to this project. It was approved for almost 200 units, averaging one acre per lot and was rezoned from Agriculture. The development has plenty of lots available. Those who say they want the opportunity to buy one-acre lots in the City have that opportunity.

Jeff Scott, one of the applicants, said BLM land completely surrounds his property and the whole City. The large subdivision next to Bobby Wren Blvd. is about to be constructed. The gas company told the Scotts they can tie their project into the gas line. Mr. Scott stated they have already agreed with the City to have a minimum one-acre lot size. He said they are allowed to build next to the powerline corridor. It's been done all over the City. The gas company told them fences can be built in the powerline corridor as long as gas company representatives are onsite while the fences are being built. He said residents of City Center want to stay there and there are no one-acre lots in City Center. Mr. Scott said Glenn Smith told there are 29,000 people living in Eagle Mountain. Five families live in the City but don't want the City.

Lance Morris, a resident of Lake Mountain Road, supported the rezone. Fire hydrants will benefit residents along the road. He felt the road will be safer if it's improved. The developments that have already been approved are higher density and he doesn't want them. In regard to the asthma, he moved here to get away from polluted air. The new homes won't create pollution because they are designed to run on solar power.

Mayor Pengra closed the public hearing at 8:04 p.m.

Councilmember Curtis asked how much it will cost to finish the paving of Lake Mountain Road. He said it will cost close to \$1M, including fire hydrants, natural gas and paving. The road will be 26' wide, with a 6" base and 3" of asphalt.

Mr. Trusty stated the City requires 9" of improved subbase. He felt what Mr. Scott proposed was adequate. Mr. Trusty said the City's estimate for road construction is about \$350,000 for 9" subbase, 6" base and asphalt.

Mrs. Smith pointed out the City won't be paying for the road. Mayor Pengra said that was understood.

Councilmember Gricius asked if the City allows new lots to be built in the powerline corridor. Mr. Mumford said the Municipal Code prohibits building under the powerline. Although it may not be called out in the Code, the City's practice has not allowed lots to extend partially into the corridor.

Councilmember Bradley asked why the staff report described this as a new application, since it's been before the Council already. Mr. Mumford responded that the Code considers an application new as long as the application fee is paid each time it is submitted.

Councilmember Bradley didn't see this application as fulfilling the requests that have been made by the Council. He didn't think this is the time for this area to be divided into one-acre lots. He also objected to any lots being approved even partially under the powerline corridor. He doesn't even like parks in those locations.

Councilmember Gricius felt the timing was wrong for this proposal. She didn't feel that one-acre lots preserve the land. The Municipal Code includes "right to farm" regulations. She would like to see a plan for conserving the area.

Mr. Mumford read Section 17.25.100, which says "no construction may occur in areas that have slopes in excess of 25%, land restricted by powerlines . . ."

Councilmember Reaves stated the concept plan the Scotts submitted isn't binding in the rezone. The 300-foot-wide powerline corridor affects thirteen homes in the project. There's a powerline corridor going through SilverLake that gives off a lot of energy. He didn't think it was a good idea for the powerline to go through the back of the lots in the proposed project.

Mr. Mumford said the powerline running through SilverLake is a lower voltage than the one along Lake Mountain Road, but still very high voltage.

MOTION: *Councilmember Gricius moved to deny an ordinance rezoning approximately 101 acres from Agriculture to Residential. Councilmember Curtis seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

PUBLIC HEARING

12. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Adopting an Impact Fee Enactment for a Park Impact Fee; Providing for the Calculation and Collection of Such Fees; Providing for Appeal, Accounting, and Severability of the Same and Other Related Matters.

This item was presented by City Engineer Chris Trusty. The Park Impact Fee Enactment adopts the Impact Fee Facilities Plan (IFFP) and the Impact Fee Analysis (IFA) and implements the recommended impact fees by ordinance. Once adopted, State law requires a 90-day waiting period before the revised impact fees can be assessed to new building permits. The IFA recommends the maximum reasonable impact fee that could be charged to new development based on provisions in the State Code. A detailed discussion of this item is found on page 5 of these minutes.

Councilmember Curtis wanted to know why the fee is being increased. Ms. Hamilton said the City has improved its level of service. Higher fees are required to maintain the level of service.

Mr. Pili explained that the level of service regulation of park impact fees is designed to limit what cities can charge. It protects residents from excessive fees and requires cities to improve the level of service before impact fees are raised.

Mayor Pengra opened the public hearing at 8:42 p.m.

Bob Jones has built homes in the City since 1998. He said his fees are already 14% of his costs, outside of the cost of the land, which believes is excessive. Because Eagle Mountain has many unfinished parks, he wonders what the fees are being spent on. He sees completed parks with nicer facilities in nearby cities.

Deann Huish of the Utah Valley Homebuilders Association (UVHBA) appreciated Councilmembers Bradley's and Curtis' questions about how impact fees work. Builders pass the fees on to the residents. She said larger lots limit the number of families who can build in Eagle Mountain.

Mayor Pengra closed the public hearing at 9:00 p.m.

Mayor Pengra said Eagle Mountain's name has value, or brand equity. The question is what is a reasonable standard for the City? The expectation now is higher than it used to be, but not what it will be when there are 50,000 residents. Right now, completed trails and parks are a reasonable expectation.

Councilmember Bradley discussed lightening the burden on builders who have projects in process.

Mr. Pili pointed out the City only collects \$382,000 for each 1000 homes that are built. That does not cover the costs of a finished regional park. However, because of the amount of the proposed increase, he suggested not making the fee effective until July 1, 2016, which is the beginning of the new fiscal year.

Councilmember Curtis asked what it will cost to finish Cory Wride Park. Mr. Pili responded that the City is waiting for additional design work to be completed. So far, the City has spent \$20M in grant funds on the park. The City applies for grants to finish the park projects, because impact fees don't begin to pay for them.

Councilmember Gricius asked what parks need significant improvements. Mr. Pili said Pony Express, Smith Ranch and Cory Wride Parks qualify for improvements funded through impact fees.

Discussion ensued on park improvements and how they are paid for.

MOTION: *Councilmember Bradley moved to adopt an Ordinance of Eagle Mountain City, Utah, enacting an impact fee enactment for a park impact fee of \$1,158.00 effective July 1, 2016; amending section 4.1 to reflect that amount; providing for the calculation and collection of such fees; providing for appeal, accounting, and severability of the same and other related matters. Councilmember Reaves seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

PUBLIC HEARING

13. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending Chapter 17 of the Eagle Mountain Municipal Code.

This item was presented by Planning Director Steve Mumford. The proposed ordinance clarified the approval criteria for rezoning in Chapter 17.90 Rezoning of Property, and restricted rezone applications from being accepted within one (1) year of a failed rezone attempt, unless the application shows significant changes. Other amendments included changes to Chapter 17.10 Definitions, and setback requirements in Chapter 17.25 Residential Zone.

The Planning Commission recommended approval of the changes, except for Section 17.90.070 Conditions of Approval. They felt it might allow a future Planning Commission to overreach its authority.

Councilmember Curtis believed having optional conditions of approval fits the City's flexible zoning style. Mr. Mumford agreed, although it does make it slightly more possible to make bad zoning decisions. Many other cities have very strict zoning standards. That's not really suitable for the amount of open space in Eagle Mountain.

Councilmember Gricius preferred to leave Section 17.90.070 in the Code as presented. Councilmembers Bradley, Reaves and Westmoreland agreed.

Mayor Pengra opened the public hearing at 9:28 p.m.

Greg Jepson didn't think a rezone application would normally change enough to need a rehearing in less time than a year.

Mayor Pengra closed the public hearing at 9:29 p.m.

Councilmember Westmoreland asked for clarification of the wording to show that outdoor cooking facilities were not going to be included in the kitchen restrictions.

Councilmember Westmoreland wanted to be sure that these Code amendments won't be enforced retroactively, as on the Scotts' application. Mayor Pengra said the ordinance will be effective tomorrow. The Scotts don't have a pending application. This amendment doesn't preclude two Councilmembers from placing an application on the agenda. It does protect applicants and the City from going through the time and expense of reviewing an application repeatedly in a short time period.

MOTION: *Councilmember Gricius moved to adopt an Ordinance of Eagle Mountain City, Utah, amending Chapter 17 of the Eagle Mountain Municipal Code, including Section 17.90.070, and clarifying the definition of "kitchen" to exclude outdoor facilities. Councilmember Curtis seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

14. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending Chapter 8.05 and Chapter 10.10 of the Eagle Mountain Municipal Code.

This item was presented by Planning Director Steve Mumford. The proposed ordinance amended Chapter 8.05 Solid Waste Management of the Municipal Code adding a definition for illegal dumping, clarifying prohibited acts and adopting fines for Code Enforcement. Chapter 10.10 was amended to clarify winter parking restrictions and restrictions for parking on streets for an extended period of time.

Mr. Mumford said the Utah State Code enacts a minimum fine of \$100 for a littering or pollution first offense, and \$200 for a highway littering first offense. Lehi charges \$750 - \$1000. American Fork and Pleasant Grove charge not more than \$750. Saratoga Springs has a general code violation fine of \$100 for the first offense. He suggested Eagle Mountain's fines should range from \$100 - \$750.

Mr. Mumford stated the violator is also responsible for cleaning up or paying the cost of cleanup.

Councilmembers discussed what an appropriate first fine should be. Councilmember Gricius suggested \$200, \$400 and \$600 for the first three violations after an initial written warning.

Bob Jones said furniture is thrown into his construction dumpsters every week, costing him thousands of dollars in disposal costs. Matthew Morrison pointed out if these offenses are misdemeanors, fines will be determined by a judge.

Mr. Cook stated these fines are being established as part of an administrative enforcement procedure for chronic violators.

The Council discussed various levels of fines. Mayor Pengra pointed out that specific fines will be set with the Consolidated Fee Schedule.

MOTION: *Councilmember Curtis moved to adopt an ordinance of Eagle Mountain City, Utah amending Chapter 8.05 and Chapter 10.10 of the Eagle Mountain Municipal Code. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

15. AGREEMENT – Consideration of an Agreement between Eagle Mountain City and Utah Valley University (UVU) to Allow UVU to Use a Portion of the Business Incubator Program Space for the Purpose of Providing Educational Courses in the Community.

This item was presented by Economic Development Director Ikani Taumoepeau. The proposed agreement would allow UVU to use parts of the Business Incubator Development Program building, which the City leases from Star West Eagle Mountain Properties LLC, to provide educational courses within the community.

Councilmember Curtis asked how much it costs the City to allow UVU to use the space. Mr. Taumoepeau said the fees charged to the previous Incubator Program tenant began at \$1,200 and increased to \$2,100. The schools that provide classroom space to UVU don't charge them anything. They're willing to discuss paying for the space after seeing if the classes are successful after a year. In the meantime, having the classes is an advantage to the City.

MOTION: *Councilmember Reaves moved to approve an agreement between Eagle Mountain City and Utah Valley University (UVU) to allow UVU to use a portion of the Business Incubator Program space for the purpose of providing educational courses in the community. Councilmember Gricius seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

16. BID AWARD – Consideration and Award of Bid for the North Area Water Line Project.

This item was presented by City Engineer Chris Trusty. The proposed bid for a water line project would provide water from the Central Water Project (CWP) pipeline to the North Service Area. The line would create a more efficient water source for the existing residents as well for as new construction in the northern area of the City.

Councilmember Reaves asked if the existing agreement for the CWP pipeline refers to the water being provided or the pipeline. Mayor Pengra explained the water is provided by the Central

Water Project (CWP). The cities receiving the water are responsible to provide pipelines to get the water to the customers. CWP did provide some of the infrastructure, but the pipeline being proposed is entirely within Eagle Mountain.

MOTION: *Councilmember Curtis moved to award a bid for the North Service Area Water Line Project to Silver Spur Construction in the amount of \$1,692,975.00 and authorize the Mayor to sign the contract. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

17. BID AWARD – Consideration and Award of Bid to J&J Electric in conjunction with Musco Sports Lighting, for the Design and Installation of Lighting at the Cory Wride Memorial Park Quad Fields.

This item was presented by Economic Development Director Ikani Taumoepeau. The proposed bid is for the design and installation of lighting at the Cory Wride Memorial Park quad fields. A detailed discussion is found on page 4 of these minutes.

MOTION: *Councilmember Westmoreland moved to award a bid to J&J Electric, in conjunction with Musco Sports Lighting, for the design and installation of lighting at the Cory Wride Memorial Park quad fields in the amount of \$354,350.00 and authorize the Mayor to sign the contract. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*

18. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Amending the Eagle Mountain City Consolidated Fee Schedule.

The proposed resolution adopts Library fees for the use of electronic devices and fines for damage and replacement costs. It also reflects an increase in recycling fees and adopts fines for parking violations, illegal dumping and accumulation of construction debris on City streets.

Amendments discussed by the Council included corrections to the amounts of the fines for illegal dumping, and postponing the fee increase for the recycling program to the next meeting.

Councilmember Reaves asked if these fees are in addition to the fines discussed earlier. It was explained that the previous motion didn't specify the dollar amounts.

MOTION: *Councilmember Gricius moved to adopt a Resolution of Eagle Mountain City, Utah, amending the Eagle Mountain City Consolidated Fee Schedule, excluding the fee increase for recycling, approving the rest as presented in the staff report, and amending the illegal dumping fines to a written notice for the first violation, \$200 for the second violation, \$400 for the third violation and \$600 for fourth and subsequent violations. Councilmember Reaves seconded the motion.*

Councilmember Curtis preferred not to leave out the recycling fee. Mayor Pengra explained that the program may not be accomplishing its objectives. City staff will analyze the program between now and the next meeting.

Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.

The fines presented in the staff report, as approved by the Council are as follows:

LaunchPad

Fine – \$1.00 per day

Replacement Cost – \$130.00

Missing Orange Bumper – \$12.00

Damaged/Missing Box – \$10.00

Damaged/Missing USB – \$8.00

Damaged/Missing AC Adaptor – \$12.00

Cracked Screen or Broken/Unusable LaunchPad – Full Replacement Cost

Kindle Fire

Fine – \$1.00 per day

Replacement Cost – \$70.00

Missing Leather Case – \$15.00

Damaged/Missing Sleeve Bag – \$7.00

Damaged/Missing USB – \$8.00

Damaged/Missing Power Cord – \$12.00

Cracked Screen or Broken/Unusable Kindle – Full Replacement Cost

Either electronic device returned in book drop instead of in person – \$10.00 + any damages that may occur from other items being dropped onto LaunchPad or Kindle.

Parking

First violation a written notice, second violation \$25, third violation \$50. Vehicles and trailers will be towed at the owner's expense.

Solid Waste Management

Illegal Dumping/Solid Waste. First violation a written notice, second violation \$200, third violation \$400, fourth and subsequent violations \$600.

Accumulation of construction dirt, debris, mud, etc., on City streets. First violation a written notice, second violation \$50, third violation \$100 and stop work progress until fines are paid.

Blocking streets and/or sidewalks illegally. First violation a written notice, second violation \$25, third violation \$50.

19. MOTION – Consideration and Approval of Appointment of a City Councilmember as Mayor Pro Tempore.

This item was presented by Mayor Chris Pengra. The City Council appoints a Councilmember as Mayor Pro Tempore each year to act for the Mayor in the event of his absence.

MOTION: ***Councilmember Curtis moved to approve the appointment of Councilmember Bradley as Mayor Pro Tempore for calendar year 2016. Councilmember Westmoreland seconded the motion. Those voting aye: Adam Bradley, Colby***

Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.

20. CITY COUNCIL/MAYOR'S BUSINESS – This time is set aside for the City Council's and Mayor's comments on City business.

Councilmember Curtis

No comment.

Councilmember Bradley

No comment.

Councilmember Reaves

Councilmember Reaves said a meeting of the Parks and Recreation Advisory Board is scheduled for tomorrow evening.

Councilmember Westmoreland

No comment.

Councilmember Gricius

No comment.

Mayor Pengra

No comment.

21. CITY COUNCIL BOARD LIAISON REPORTS – This time is set aside for Councilmembers to report on the boards they are assigned to as liaisons to the City Council.

None.

22. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

23. ADJOURNMENT

MOTION: *Councilmember Curtis moved to adjourn the meeting at 10:16 p.m. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Colby Curtis, Stephanie Gricius, Benjamin Reaves and Tom Westmoreland. The motion passed with a unanimous vote.*